

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

| | | |
|---------------------------|---|----------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | |
| |) | 5:13-cr-68-MTT |
| STEPHEN A. MURRAY, |) | |
| and |) | |
| |) | |
| BIO-TECH MANAGEMENT, INC. |) | |
| dba Bio-Tech Systems |) | |

MOTION IN LIMINE TO EXCLUDE EVIDENCE

The United States of America, by and through Richard J. Powers and Adam C. Cullman, Trial Attorneys for the Environmental Crimes Section, U.S. Department of Justice, respectfully move this Court to exclude the following from the trial on the merits scheduled for March 10, 2014:

1. Any evidence or argument regarding the lack of environmental harm. Environmental harm is not an element of the offenses charged, is irrelevant, and if admitted, would serve only to confuse the jury.
2. Any evidence or argument regarding the lack of physical harm to nursing home residents. Physical harm is not an element of the offenses charged, is irrelevant, and if admitted, would serve only to confuse the jury.
3. Any evidence or argument that seeks jury nullification or is otherwise irrelevant to a legal defense or an element of the crimes charged.

Wherefore, the United States requests this Court to exclude such evidence or argument from being presented by the defense at trial.

Respectfully submitted,

Robert G. Dreher
Acting Assistant Attorney General
Environment and Natural
Resources Division
U.S. Department of Justice

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CERTIFICATE OF SERVICE

I hereby certify that, on February 21, 2014, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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